



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

20070
EPA Region 5 Records Ctr.



260656

REPLY TO THE ATTENTION OF

SR-6J

AUG 09 1999

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Endevco Natural Gas Company
Donald C. Lutken JR, Registered Agent
4785 I-55 North
Jackson, MS 39206

Re: Request for Information Pursuant to Section 104(e) of CERCLA
for Old American Zinc Plant Site, Fairmont City,
St. Clair County, Illinois hereinafter referred to as "the
Site".

Dear Sir or Madam:

The U.S. Environmental Protection Agency (U.S. EPA) is
investigating the Old American Zinc Plant Site (the Site) located
in St. Clair County, Illinois. The U.S. EPA believes that you
may have information that is relevant to the investigation of
contamination at the Site. Attachment 1 is a summary of the
history of this Site and the results of U.S. EPA's investigation.

The U.S. EPA asks that you provide information and documents
relating to the contamination of the Site. Please respond
completely and truthfully to this Information Request and its
questions in Attachment 2 within thirty (30) days of your receipt
of this letter. Instructions for completion of this response are
in Attachment 3; definitions of terms used in this Information
Request and its questions are in Attachment 4.

You may consider some information that we request as
confidential. If you wish to assert a privilege of business
confidentiality, you must respond to the question and advise
U.S. EPA that you request that the Agency treat the response as
confidential business information. Directions to assert a claim
of business confidentiality are in Attachment 5.

The Comprehensive Environmental Response, Compensation and Liability Act , 42 U.S.C. 9601, et seq., commonly referred to as **CERCLA** or **Superfund**) gives the U.S. EPA the authority to:

- 1) assess contaminated sites,
- 2) determine the threats to human health and the environment posed by a site, and
- 3) clean up those sites.

Under § 104(e)(2) of CERCLA, U.S. EPA has authority to gather information and to require persons to furnish information or documents relating to:

- A. The identification, nature, and quantity of materials which have been or are generated, treated, stored or disposed of at a vessel or facility or transported to a vessel or facility;
- B. The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at/or from a vessel or facility;
- C. The ability to pay the costs of the clean up.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to each question within this Information Request and within the prescribed time frame can result in an enforcement action by U.S. EPA pursuant to § 104(e)(5) of CERCLA, as amended. Failure to respond and failure to justify the non-response can result in similar penalties under this Section. Further, § 104(e)(5) authorizes the United States to seek penalties from a Federal Court of up to twenty-seven thousand five-hundred dollars (\$27,500) for each day of continued non-compliance. The U.S. EPA considers non-compliance to be not only failure to respond to the Information Request, but also failure to respond completely and truthfully to each question in the Information Request.

The provision of false, fictitious or fraudulent statements or misrepresentations may subject you or your firm to criminal penalties of up to ten thousand dollars (\$10,000) or up to five (5) years imprisonment, or both, under 18 U.S.C. 1001.

The U.S. EPA has the authority to use the information requested in an administrative, civil, or criminal action.

This information request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

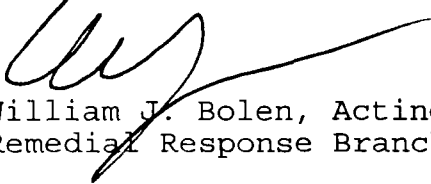
Return your response to U.S. EPA within 30 days of your receipt of this Information Request. Mail your response to:

Carlton D. Cuffman
U.S. Environmental Protection Agency
77 West Jackson Street (SR-6J)
Chicago, Illinois 60604-3590

If you have questions about a legal matter please call our attorney, Allison Gassner at (312) 886-2250. Address all other questions to Carlton D. Cuffman at (312) 353-3191.

We appreciate your effort to respond fully and promptly to this information request.

Sincerely,



William J. Bolen, Acting Chief
Remedial Response Branch #1

Attachments: 1. Site History
2. Questions
3. Instructions
4. Definitions
5. Confidential Business Information

SERVICE LIST

Endevco Fuel Company
c/o C T Corporation System, Registered Agent
118 North Congress Street
Jackson, MS 39205

Endevco Natural Gas Company
Donald C. Lutken JR, Registered Agent
4785 I-55 North
Jackson, MS 39206

Mississippi Fuel Co. Inc.
(Subsidiary of Endevco, Inc.)
And Endevco Natural Gas Company
H. E. Hemphill, Registered Agent
188 East Capitol Street # 1050
Jackson, MS 39201

Mississippi Fuel Co.
W Calvin Wells, Registered Agent
402 Lamar Life Building
P.O. BOX 22489
Jackson, MS 39225

Mississippi Fuel Co.
8080 North Central Expressway #1200
Dallas, TX 75206

VIRGINIA-CAROLINA CHEMICAL CORPORATION
The Corporation Trust Company,
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

MOBIL OIL CORPORATION
Samuel H. Gillespie III, Counsel
3225 Gallows Road
Fairfax, VA 22037-0002

ATTACHMENT ONE

SITE HISTORY

The Old American Zinc Plant Site is a 132-acre inactive industrial facility located just north of East St. Louis in Fairmont City, Illinois. The Site is bordered by Delmar Street to the north, Kingshighway to the east, 45th Street to the west, and the Penn Central and Baltimore/Ohio railroad tracks to the south.

Constructed in the early 1900s, the facility was operated until 1967 as a primary zinc smelter. In 1967, the company moved to Sauget, Illinois. At this time, all structures on the Site were either moved or torn down and disposed off-site. The Site remained vacant until 1979 when XTRA Intermodal purchased the property. The Site, vacant with the exception of a single building used as the offices of XTRA Intermodal, was purchased as an area to keep semi-trailers temporarily. A number of semi-trailers are also stored on-site by XTRA Intermodal.

Almost entirely covered with slag from the zinc smelters, two large slag piles are located in the northern section of the Site.

In November, 1994, USEPA tasked the Illinois Environmental Protection Agency (Illinois EPA) to conduct a CERCLA Integrated Site Assessment (ISA) at the Old American Zinc Plant Site. Groundwater migration was not thought to be a concern because most wells are located upgradient more than three miles from the contamination. The surface water flows through small drainageways into a large wetland area. No airborne contaminant release was observed during the ISA, although residents have complained of particulates blowing off-site. Numerous soil samples were taken from surrounding areas and analyzed. Many of these samples indicated arsenic, cadmium, lead, and zinc at elevated levels.

On November of 1994, Illinois EPA took waste samples on-site, and soil and sediment samples off-site. The on-site samples gave indications of methylene-chloride, semi-volatile, inorganic, and pesticide contamination. The off-site soil samples showed increased levels of inorganic compounds at residences close to the Site. Samples from Rose Creek, Schoenberger Creek, and the wetlands demonstrated inorganic contamination in the bottom sediments.

ATTACHMENT TWO

INFORMATION REQUESTS

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Requests or who may be able to provide additional responsive documents, identify such persons.
4. List the EPA Identification Numbers of the Respondent.
5. Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants therefrom.
6. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of material at the Site.
7. Identify all persons, including yourself, who may have contributed to the smelting operation at the site. Did you ever use, purchase, store, treat, dispose, transport or otherwise handle any materials at the Site? If the answer to the preceding questions is anything but an unqualified "no", identify:
 - a) The persons with whom you or such other persons made such arrangements;
 - b) Every date on which such arrangements took place;
 - c) The owner of the smelting slag, lead dust, waste materials or other hazardous substances so accepted or transported and the chemical composition, characteristics, physical state (e.g., solid, liquid) of each material;
 - d) who supplied you with such material;
 - f) how such materials were used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you;

- g) when such materials were used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you;
 - h) where such materials were used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you; and
 - i) the quantity of such materials used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you.
8. Identify all liability insurance policies held by Respondent from 1910 to the present. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, nonsudden, or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.
9. State whether any business records of Respondent still exist which pertain to the operating period during which zinc slag, lead dust or any other hazardous materials were disposed at the Site. If the answer is yes, state the location of these records and produce:
- a. all documents relating to the disposal of any wastes; and
 - b. all documents relating to the disposal of any hazardous substances, hazardous waste or solid waste at the site; especially, arsenic, cadmium, copper, zinc, mercury, and lead.
10. Provide copies of all local, state, and federal environmental permits ever granted for the Facility or any part thereof (e.g., RCRA permits, NPDES permits, etc.).

ATTACHMENT THREE

INSTRUCTIONS

1. Answer each of the questions in this Information Request separately.
2. Precede each answer with the number of the question to which it corresponds.
3. In answering each question, identify all persons and contributing sources of information.
4. Although the U.S. EPA seeks your cooperation in this investigation, CERCLA requires that you respond fully and truthfully to this Information Request. False, fictitious, or fraudulent statements or misrepresentations may subject you to civil or criminal penalties under federal law. Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes the U.S. EPA to pursue penalties for failure to comply with that Section, or for failure to respond adequately to requests for submissions of required information.
5. In answering each question, identify all persons and contributing sources of information.
6. You must supplement your response to U.S. EPA if, after submission of your response, additional information should later become known or available. Should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify U.S. EPA as soon as possible.
7. For any document submitted in response to a question, indicate the number of the question to which it responds.
8. You must respond to each question based upon all information and documents in your possession or control, or in the possession or control of your current or former employees, agents, contractors, or attorneys. Information must be furnished regardless of whether or not it is based on your personal knowledge, and regardless of source.
9. Your response must be accompanied by the following statement, or one that is substantially equivalent:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure

that qualified personnel properly gathered and evaluated the information submitted.

Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The individual who prepared the response or the responsible corporate official acting on behalf of the corporation must sign and date the statement, affidavit, or certification. Include the corporate official's full title.

10. If any of the requested documents have been transferred to others or have otherwise been disposed of, identify each document, the person to whom it was transferred, describe the circumstances surrounding the transfer or disposition, and state the date of the transfer or disposition.
11. All requested information must be provided notwithstanding its possible characterization as confidential information or trade secrets. If desired, you may assert a business confidentiality claim by means of the procedures described in Attachment 5.

ATTACHMENT FOUR

Definitions

1. As used in this letter, words in the singular also include the plural and words in the masculine gender also include the feminine and vice versa.
2. The term **person** as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
3. The Site referenced in these documents shall mean the Old American Zinc Plant Superfund Site located in the Fairmont City, St. Clair County, Illinois.
4. The term **hazardous substance** shall have the same definition as that contained in Section 101(14) of CERCLA, including any mixtures of such hazardous substances with any other substances, including petroleum products.
5. The term, **pollutant** or **contaminant**, shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances.
6. The term **release** shall have the same definition as that contained in Section 101(22) of CERCLA, and means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance, pollutant, or contaminant.
7. The term **identify** means, with respect to a natural person, to set forth the person's full name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
8. The term **identify** means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
9. The term **identify** means, with respect to a document, to

provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.

10. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R., Part 300 or 40 C.F.R., Part 260-280, in which case, the statutory or regulatory definitions shall apply.

ATTACHMENT FIVE

CONFIDENTIAL BUSINESS INFORMATION

You may consider some of the information confidential that the U.S. Environmental Protection Agency (U.S. EPA or Agency) is requesting. You cannot withhold information or records upon that basis. The Regulations at 40 C.F.R. Part 2, Section 200 *et seq* require that the U.S. EPA affords you the opportunity to substantiate your claim of confidentiality before the Agency makes a final determination on the confidentiality of the information.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by the U.S. EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. (See 41 Federal Register 36902 *et seq.* (September 1, 1976); 43 Federal Register 4000 *et seq.* (December 18, 1985).) If no such claim accompanies the information when the U.S. EPA receives it, the information may be made available to the public by the Agency without further notice to you. Please read carefully these cited regulations, together with the standards set forth in Section 104(e)(7) of Comprehensive Environmental Response Compensation Liability Act (CERCLA), because, as stated in Section 104(e)(7)(ii), certain categories of information are not properly the subject of a claim of confidential business information.

If you wish the U.S. EPA to treat the information or record as "confidential", you must advise the U.S. EPA of that fact by following the procedures described below, including the requirement for supporting your claim of confidentiality. To assert a claim of confidentiality, you must specify which portions of the information or documents you consider confidential. Please identify the information or document that you consider confidential by page, paragraph, and sentence. You must make a separate assertion of confidentiality for each response and each document that you consider confidential. Submit the portion of the response that you consider confidential in a separate, sealed envelope. Mark the envelope "confidential", and identify the number of the question to which it is the response.

For each assertion of confidentiality, identify:

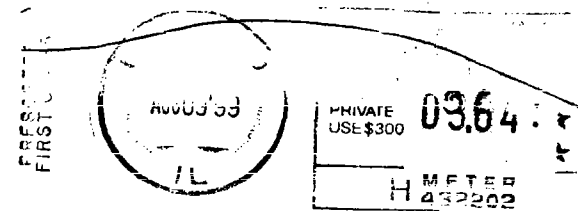
1. The period of time for which you request that the Agency consider the information confidential, e.g., until a specific date or until the occurrence of a specific event;

2. The measures that you have taken to guard against disclosure of the information to others;
3. The extent to which the information has already been disclosed to others and the precautions that you have taken to ensure that no further disclosure occurs;
4. Whether the U.S. EPA or other federal agency has made a pertinent determination on the confidentiality of the information or document. If an agency has made such a determination, enclose a copy of that determination;
5. Whether disclosure of the information or document would be likely to result in substantial harmful effects to your competitive position. If you believe such harm would result from any disclosure, explain the nature of the harmful effects, why the harm should be viewed as substantial, and the causal relationship between disclosure and the harmful effect. Include a description of how a competitor would use the information;
6. Whether you assert that the information is voluntarily submitted as defined by 40 C.F.R. 2.201(I). If you make this assertion, explain how the disclosure would tend to lessen the ability of the U.S. EPA to obtain similar information in the future;
7. Any other information that you deem relevant to a determination of confidentiality.

Please note that pursuant to 40 C.F.R. 2.208(e), the burden of substantiating confidentiality rests with you. The U.S. EPA will give little or no weight to conclusory allegations. If you believe that facts and documents necessary to substantiate confidentiality are themselves confidential, please identify them as such so that the U.S. EPA may maintain their confidentiality pursuant to 40 C.F.R. 2.205(c). If you do not identify this information and documents as "confidential", your comments will be available to the public without further notice to you.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY
REGION 5 (SR-65)
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300



RETURNED
TO SENDER
ATTEMPTED, NOT KNOWN

AK 627

Fold at line over top of envelope to the
right of the return address

CERTIFIED

P 054 658 196

MAIL

Endevco Natural Gas Company
Donald C. Lutken JR, Registered Agent
4785 I-55 North
Jackson, MS [REDACTED]

Is your RETURN

Completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Endevco Natural Gas Company
Donald C. Lutken JR, Registered
4785 I-55 North
Jackson, MS 39206

4a. Article Number

P054658196

4b. Service Type

- | | |
|---------------------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Insured |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD |

7. Date of Delivery**5. Received By: (Print Name)****6. Signature: (Addressee or Agent)**

X

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.